

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-20305 of 2015

.....

Date of decision:15.11.2016

Bagga Singh and another

.....Petitioners

v.

State of Punjab and another

.....Respondents

....

Present: Mr. Aminder Singh, Advocate for the petitioners.

Mr. D.S. Virk, Assistant Advocate General, Haryana
for the respondent-State.

Mr. A.S. Sandhu, Advocate for respondent No.2.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of complaint No.2 dated 9.1.2014 (Annexure-P.1) filed for the offences under Sections 307 and 34 IPC and pending before learned Additional Sessions Judge, Sangrur and all subsequent proceedings arising therefrom in view of the compromise (Annexure-P.4) entered into between the parties.

The complaint in the present case has been filed by complainant-Jagvir Singh, who has died during the pendency of the case and respondent No.2-Gurdarshan Singh-respondent No.2, who was the witness of the incident and also aggrieved being involved in earlier cross-cases between the parties, has been permitted to pursue the complaint vide order dated 8.1.2013 passed by learned Chief Judicial Magistrate, Sangrur.

[2]

The complaint has been filed on the allegations that the petitioners came with deadly weapons and attacked the complainant and inflicted injuries to him. Now with the intervention of near and dear ones the parties have entered into an amicable compromise and resolved their disputes and they want to live peacefully with each other. No serious injury was caused to any one.

Learned counsel for the petitioners argued that no injury dangerous to life has been caused to anyone and the matter has been amicably compromised between the parties, therefore, the present complaint may be quashed.

Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before learned trial Court for getting their statements recorded in support of the compromise. After doing the needful, learned Additional Sessions Judge, Sangrur, has sent his report dated 7.11.2016 submitting that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

Learned Assistant Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the complaint in view of the law laid down by the Hon'ble Supreme Court.

I have heard learned counsel for the petitioners as well as

[3]

learned Assistant Advocate General, Punjab and learned counsel for respondent No.2 and have gone through the record.

In a decision, based on compromise, none of the parties is a loser. Rather, compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

Therefore, keeping in view the fact that the matter has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in Gian Singh v. State of Punjab and another, 2012 (4) RCR (Cr.) 543, this petition is allowed and complaint No.2 dated 9.1.2014 (Annexure-P.1) for the offences under Sections 307 and 34 IPC pending before learned Additional Sessions Judge, Sangrur and all subsequent proceedings arising out of the same are hereby quashed.

November 15, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No